

**ZONING BOARD OF APPEALS OF THE TOWN OF ORCHARD PARK**, Erie County, New York, minutes of the January 20, 2015 meeting held in the Municipal Center Basement Public Meeting Room, S4295 South Buffalo Street.

MEMBERS PRESENT: Joseph Liberti Chairman/Robert Lennartz/Dwight Mateer/Robert Metz  
Roland Pigeon/Lauren Kaczor, Alternate

EXCUSED: Rosemary Messina, Recording Secretary

OTHERS PRESENT: Len Berkowitz, Deputy Town Attorney  
David Holland, Code Enforcement Officer  
Danielle Ostrander, Secretary

**APPROVED  
MINUTES**

The members recited the Pledge of Allegiance and the Chairman called the meeting to order at 7:00 P.M., stating that if anyone appearing before the Board was related through family, financial or business relationship with any member of the Board, it is incumbent upon him to make it known under State Law and the Town Code of Ethics.

The Chairman stated that all persons making an appeal before this Board would be heard in accordance with the Town Laws of the State of New York, Article 16, Sections 267, 279 and 280a, Subdivision 3, and the Town of Orchard Park Zoning Ordinance. Any person aggrieved by any decision of the Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal, specifying the grounds of the illegality. Such petition must be presented to the court within 30-days after filing of the decision in the office of the Town Clerk.

The minutes from the October, 2014 meeting were **Unanimously Approved**.

The Chairman stated that site inspections of all cases presented tonight were made by:

LIBERTI	AYE
LENNARTZ	AYE
KACZOR	AYE
MATEER	AYE
METZ	AYE
PIGEON	AYE

**NEW BUSINESS**

1. ZBA File #25-14, ASI Signage Innovations, 5959 Big Tree Road, Zoned D-R (Part of Farm Lot's 22 & 23, Township 9, Range 7; SBL#172.00-1-44). Requests a variance to install (3) non-conforming freestanding signs at this site. Board tabled this item at the October ZBA meeting. Applicant is to provide a new submission.

APPEARANCE: Mr. Patrick Ebert, Krog Corp  
Ms. Bethany Bernatovicz, ASI Signage Innovations

Ms. Bernatovicz presented the updated plans to the members. She noted that the request was reduced from three exterior signs, to two. The sign facing Route 219 was eliminated and the design of the two signs was change to reflect comments made by the members at the October 2014 meeting. It was further established that the signs will be illuminated during business hours. The sign to be located on Big Tree Road (Route 20A) will be 60' x 180' in size, and the second sign will be smaller, 48' x 144' in size and located at the rear entrance of the property (Armor Road).

The Chair then asked if there was anyone in the audience who would wish to speak in favor of granting the variance.

(Twice) NO RESPONSE

The Chair then asked if there was anyone in the audience who would wish to speak against the granting of the variance.

(Twice) NO RESPONSE

The Chair then asked if the Secretary had received any communications either for, or against, granting the variance. The Secretary stated no communications have been received.

The members discussed the size of the two signs and their locations with the Applicants.

Code Enforcement Officer David Holland verified several questions the members had regarding sign regulations.

Mr. Lennartz, made a **MOTION**, seconded by Mr. Pigeon, to **GRANT** the Use Variance based on the following:

1. Strict application of the regulations will deprive the applicant of a reasonable return on the property, provided that lack of return is substantial as demonstrated by competent financial evidence.
2. The hardship is unique, and does not apply to a substantial portion of the district or neighborhood.
3. The variance will not alter the essential character of the neighborhood.
4. The alleged hardship was self-created but that does not preclude the granting of the variance.
5. The request is not substantial.

THE VOTE ON THE MOTION BEING:

LIBERTI	AYE
LENNARTZ	AYE
MATEER	AYE
METZ	AYE
PIGEON	AYE

THE **VOTE** BEING UNANIMOUS, THE **MOTION** IS HEREBY **PASSED**.

There being no further business to be presented to the Board at this time Chairman Liberti adjourned the meeting at 7:05 P.M.

DATED: 2/17/15  
REVIEWED: 2/17/15

Rosemary Messina  
Zoning Board of Appeals Secretary

Joseph Liberti, Chairman